



**Republic v Njeri (Criminal Case E010 of 2023)  
[2023] KEHC 18950 (KLR) (22 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 18950 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
CRIMINAL CASE E010 OF 2023  
PM MULWA, J  
JUNE 22, 2023**

**BETWEEN**

**REPUBLIC ..... PROSECUTOR**

**AND**

**KENNEDY GITAU NJERI ..... ACCUSED**

**RULING**

1. This is a bail application of Kennedy Gitau Njeri the accused herein who has been charged with the offence of Murder contrary to section 203 as read together with section 204 of the [Penal Code](#).
2. The particulars of the information are that on February 12, 2023 at Muchatha Area, Kiambaa Sub-County within Kiambu County, he murdered Janet Wangui Njenga.
3. A mental assessment test on the accused was conducted on February 21, 2023 and he was found fit to plead. He denied the offence on March 16, 2023 and a plea of not guilty was entered.
4. Ms. Muthoni counsel for the accused person prayed the accused be admitted to bond.
5. Mr. Muriuki counsel for the state informed the court that he was not opposed to the accused being released on reasonable bail terms but proposed that the court to call for a pre-bail report to assist in determining the bond terms.
6. The court called for a pre-bail report which was to determine where the accused would be held as well as his suitability to be released on reasonable bail/bond terms.
7. The pre-bail report was filed on April 25, 2023. It describes the accused as a hard worker but one who uses his wages irresponsibly in alcohol abuse. The community generally does not oppose his release on bail as long as he abides by the set conditions. The accused understands the seriousness of the charges against him.



8. The victim's family is still bitter over the loss of the victim and are opposed to the release of the accused on bond. The accused person's family promised to support him if he is granted bond and ensure he attends court when required.
9. As per Article 49 (h) of the Constitution every accused person has the right  
"to be released on bond or bail, on reasonable conditions, pending a charge or trial, unless there are compelling reasons not to be released."
10. In the instant case the prosecution is not opposed to the accused being released on bond/bail. There are no compelling reasons that have been raised.
11. The accused mother is willing to post bail and ensure he accused attend court whenever required.
12. Consequently, in the absence of any compelling reasons the accused has a constitutional right to be released on bail/bond.

**Final Orders: -**

13. The accused is admitted to a bond of Kshs 500,000/= with one surety of a similar amount.

**RULING DELIVERED, DATED AND SIGNED VIRTUALLY AT KIAMBU THIS 22<sup>ND</sup> DAY OF JUNE, 2023.**

**P.M. MULWA**

**JUDGE**

In the Presence of:

Kinyua/Duale – Court Assistants

Accused - Present

Mr. Muriuki - for State

Ms. Loylisa Muthoni - for Accused

